

April 20, 2021

MGP File: 21-2986

Toronto and East York Community Council
100 Queen Street West
Toronto, Ontario M5H 2N21

via email: teycc@toronto.ca

Attention: Ms. Ellen Devlin, Secretariat

Dear Ms. Devlin:

**RE: Item TE24.9 – 244-260 Church St Development Application - Letter of Objection
City File No. 20 124315 STE 13 OZ
91 Dundas Street East, City of Toronto**

Malone Given Parsons Ltd. (“MGP”) are the land use planners for 647020 Ontario Limited (herein referred to “647 Ontario”), the owner of the property municipally known as 91 Dundas Street East in the City of Toronto (“Subject Lands”).

647 Ontario has been an active participant through the development process for the lands immediately abutting it at 244-260 Church Street (City File No. 20 124315 STE 13 OZ) as shown in Figure 1. 647 Ontario has expressed their opposition to this proposed development through correspondence dated November 12, 2020 and January 21, 2021.

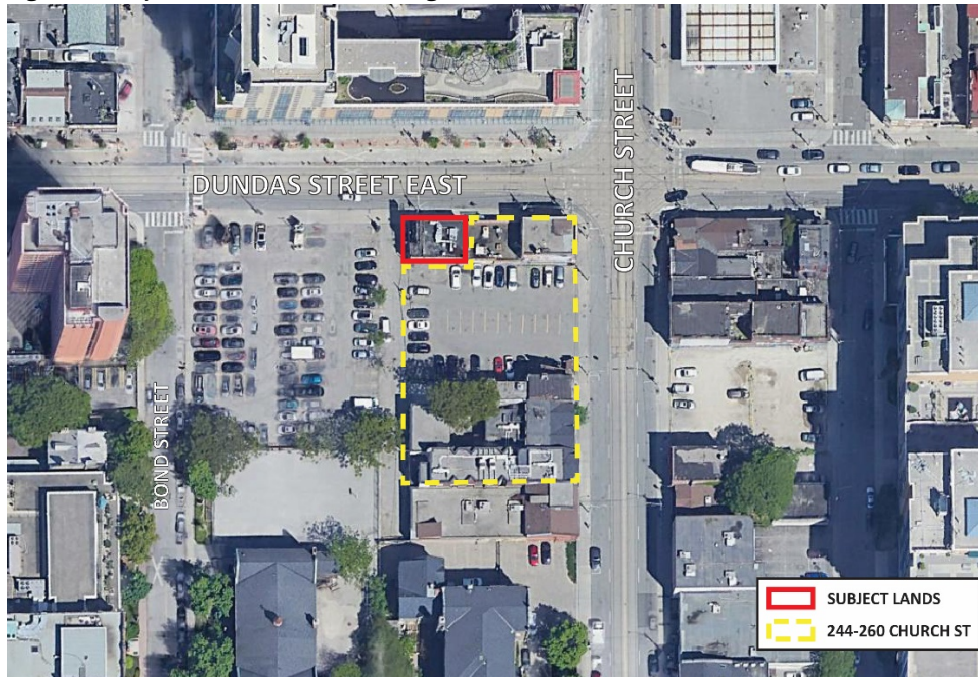
We have reviewed the proposed development that is being recommended for approval at City Council and it continues to infringe on the existing site functions.

The proposed redevelopment severely limits the as-of-right development potential of the Subject Lands and is not designed in consistency with the Tall Building Design Guidelines.

Subject Lands

The Subject Lands are located on the south side of Dundas Street East, west of Church Street and immediately adjacent to the proposed development at 244-260 Church Street. The lands are currently occupied by a 2-storey building that is built-out to the property lines and has been located on the site for over 60 years.

Figure 1: Subject Lands and Surrounding Context



Currently a restaurant is located in the existing building occupying both floors. A dwelling unit has historically occupied the second floor and it is intended to be used for one in the future once the current restaurant use vacates the building. Three large floor to ceiling windows are located on the second storey at the south facing portion of the building that provides sunlight and skyview to the second floor. In addition, a drainage pipe runs along the south building façade.

Development at 244-260 Church Street Infringes on the Site Function

The proposed redevelopment at 244-260 Church Street sites the building with a 0-metre setback on all shared property lines with the Subject Lands. This siting does not have regard to the existing function and usability of the Subject Lands.

The northern façade of the proposed redevelopment provides a 0-metre setback at the ground floor before providing a 3m setback at the mezzanine and 2nd floor where it abuts the southern façade of the existing building on the Subject Lands. However, the proposed redevelopment returns to a 0-metre setback at the third floor and above. This will continue to block the vast majority of sunlight and skyview enjoyed by the existing dwelling. This is contrary to numerous policies and guidelines within the Official Plan, Downtown Plan (Secondary Plan 41) and Tall Building Design Guidelines (“TBDG”). As an example, the Downtown Plan (Policy 9.14) states:

Development will be located and massed to define and frame the edges of the public realm with good street proportion, providing for comfortable sun and wind conditions on the public realm and neighbouring properties by stepping back building mass and/or limiting building floorplates above the streetwall height to allow daylight and sunlight to penetrate to the street and lower building levels [emphasis added].

The proposed redevelopment at 244-260 Church Street does not provide an adequate step back of its building mass from the Subject Lands in order to allow the penetration of daylight and sunlight.

Furthermore, the proposed redevelopment will completely obstruct access to the drainage pipe along the southern façade of the existing building on the Subject Lands. This will result in the required reconfiguration of drainage services for the existing building.

Severely Limits the Future Development Potential of Subject Lands

The Subject Lands are designated Mixed Use Areas in the Toronto Official Plan and Mixed Use Areas 1 – Growth in the Downtown Plan (Secondary Plan 41). These areas are to be the focus of growth with the greatest heights and largest proportions of non-residential use.

The Subject Lands are currently zoned Commercial Residential (CR 4.0 c2.0; r4.0 SS1 x2166) in Toronto Zoning Bylaw 569-2013. This zone permits a maximum height of 30-metres.

Given the above, the Subject Lands is where growth is intended to be located and are afforded as-of-right development permissions to build to a maximum height of 30-metres, subject to the other zoning provisions and in-force policy documents. 647 Ontario has already initiated the process to redevelop the Subject Lands having attended a Pre-Consultation Meeting with the City on September 18, 2020

We do not have an immediate concern with the height and density proposed through the development of 244-260 Church Street. However, we do have a concern with the siting of the tower and the proposed 0m setback where it abuts the southern façade of the Subject Lands.

The proposed 0-metre setback will cause immediate negative impacts to the existing function of the site (resulting in the relocation of drainage services) and severely limits the potential for the Subject Lands to densify. While the existing building on the Subject Lands is a two-storey building, they have as-of-right permissions to build up-to 30-metres. The proposed 0-metre setback from the development of 244-260 Church Street restricts the full redevelopment potential of the Subject Lands and essentially removes its as-of-right zoning permissions.

Development of 244-260 Church Street is not consistent with the City's TBDG

As it applies to the proposed development of 244-260 Church Street, the TBDG contains policies that recommend a 12.5 metre building setback from the centreline of a laneway and 12.5 metres from a shared property line (Section 3.2.3). This policy is rippled through in the 2016 Council approved Official Plan Amendment and Zoning Bylaw Amendments to update tall building setbacks in the Downtown (OPA 352 and Zoning By-laws 1106-2016 and 1107-2016).

While the proposed redevelopment provides the 12.5 metre setback from the laneway, it completely fails to do so on the shared property line with the Subject Lands. In providing a 0m setback to the Subject Lands, the redevelopment is not providing sufficient separation distance to preserve the full future development potential on the Subject Lands.

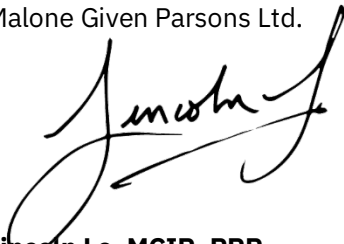
The proposed tower placement of the 244-260 Church Street redevelopment restricts the Subject Lands' ability to develop in a similar manner and will cause excessive shadowing, diminished sky views, loss of privacy and limited interior daylighting on the current site (as noted above) and on any future redevelopment plan.

Conclusion

It is our opinion that the City should not approve the proposed redevelopment as contemplated. The proposed redevelopment has impacts on the site functions of the Subject Lands and severely limits its future development potential. The increased zoning permissions requested from the proposed development should not come at the expense of the development potential of the Subject Lands. Furthermore, the proposed development is not consistent with, nor conforms (as applicable) to in-force City planning policy documents.

We are concerned that the comments that have been expressed to date have not been taken into consideration for the proposed redevelopment that is being recommended for approval.

Yours very truly,
Malone Given Parsons Ltd.

A handwritten signature in black ink, appearing to read 'Lincoln Lo', with a large, stylized flourish extending from the end of the signature.

Lincoln Lo, MCIP, RPP
Principal